

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
MOBILE DIVISION**

SHAWN COREY CARTER,

Plaintiff,

v.

ANTHONY BUZBEE, et al.,

Defendants.

Case No. 1:25-cv-00086-TFM-M

**MOTION FOR LEAVE TO FILE DEFENDANT JANE DOE’S REAL NAME UNDER
SEAL AND FOR SUMMONS UNDER SEAL**

Plaintiff Shawn Corey Carter moves the Court for leave to file the real name of Defendant Jane Doe under seal and moves the Court to issue the summons under seal using Defendant Jane Doe’s real name instead of her pseudonym. In further support, Mr. Carter states the following:

1. On March 3, 2025, Mr. Carter filed this action against four defendants: Anthony Buzbee, David Fortney, Anthony G. Buzbee LP dba The Buzbee Law Firm, and Jane Doe. Mr. Carter simultaneously filed a motion for leave to proceed using a pseudonym against one defendant, referred to as Defendant Jane Doe, in this matter (Motion for Leave). Doc. 2.

2. On March 10, 2025, the Court issued an interim order in which it permitted the issuance of summons against Defendant Jane Doe using her pseudonym. Doc. 4. The Court reserved ruling on the Motion for Leave until all parties have entered an appearance and have fully briefed the issue. *Id.* The Court further permitted Mr. Carter to file proof of service of the summons under seal if it contains any personally identifying information. *Id.*

3. The Court also issued a Summons for Defendant Jane Doe, naming her only as “Jane Doe” and with no address. Doc. 5.

4. Federal Rule of Civil Procedure 4 describes the contents required in a valid summons. It requires, among other things, that a defendant's real name to effectuate proper service:

(A) name the court and the parties; (B) be directed to the defendant; (C) state the name and address of the plaintiff's attorney or—if unrepresented—of the plaintiff; (D) state the time within which the defendant must appear and defend; (E) notify the defendant that failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint; (F) be signed by the clerk; and (G) bear the court's seal.

See Fed. R. Civ. P. 4(a)(1).

5. Generally, a party must be identified to be served under Rule 4. *See Wilson v. Mack*, No. CV 1:23-00207-KD-N, 2023 WL 5511188, at *3 (S.D. Ala. Aug. 25, 2023) (permitting fictitious defendants because the court found they were real and specific entities whose true identities can be ascertained in discovery and “*once identified, they can be served under Rule 4*”) (emphasis added). “Proper service of process is a jurisdictional requirement; ‘a court lacks jurisdiction over ... a defendant when that defendant has not been served.’” *Pardazi v. Cullman Med. Ctr.*, 896 F.2d 1313, 1317 (11th Cir. 1990) (citation omitted). Improperly naming a party in a summons can constitute insufficient service of process. *See Schiavone v. Fortune*, 477 U.S. 21, 29 (1986) (holding that the defendant lacked notice of service because the improper entity was named). Defects in the summons can be grounds for dismissal if the defendant can show actual prejudice. *Mortensen v. Mortg. Elecs. Registration Sys., Inc.*, No. CIV.A. 09-0787-WS-N, 2010 WL 3339492, at *1 (S.D. Ala. Aug. 23, 2010) (citing *U.S.A. Nutrasource, Inc. v. CAN Ins. Co.*, 140 F.Supp.2d 1049, 1052 (N.D.Cal.2001)).

6. Mr. Carter respectfully submits that the Court's March 10, 2025, summons for Defendant Jane Doe could be construed as failing to “name the ... parties” as required by Federal Rule of Civil Procedure 4(a)(1)(A) because it does not contain Defendant Jane Doe's real name.

7. Therefore, out of an abundance of caution, Mr. Carter requests that the Court permit him to file Defendant Jane Doe's name under seal so that the Court may then issue a summons under seal, naming Defendant Jane Doe's real name for the sole purpose of serving process through a process server.

8. Sealing the summons is necessary for the reasons explained in Mr. Carter's Motion for Leave, while also ensuring that Mr. Carter can fulfill service requirements in compliance with Federal Rule of Civil Procedure 4.

9. Once Jane Doe has been served, Mr. Carter can file the proof of service under seal as set forth in the Court's March 10 Order.

FOR THESE REASONS, Mr. Carter respectfully moves the Court for leave to file Jane Doe's name under seal and for the Court to issue the summons under seal using Jane Doe's real name instead of her pseudonym.

Date: March 11, 2025

Respectfully submitted,

/s/ William G. Somerville

WILLIAM G. SOMERVILLE

W. PATTON HAHN

JADE E. SIPES

Attorneys for Plaintiff

OF COUNSEL:

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
1901 Sixth Avenue North, Suite 2600
Birmingham, Alabama 35203-5202
Telephone: (205) 244-3821
wsomerville@bakerdonelson.com
phahn@bakerdonelson.com
jsipes@bakerdonelson.com

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2025, the foregoing has been served upon the following defendants via U.S. Mail as follows:

Anthony Buzbee
600 Travis Street #7500
Houston, TX 77002
tbuzbee@txattorneys.com

Anthony G. Buzbee LP dba The Buzbee Law Firm
600 Travis Street #7500
Houston, TX 77002
tbuzbee@txattorneys.com

David Fortney
Delahunty & Edelman LLP
4 Embarcadero Center,
Suite 1400
San Francisco, CA 94111
info@delawllp.com

/s/ William G. Somerville
OF COUNSEL